



# RAVALLI COUNTY ATTORNEY

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TO: Planning

CC: Commissioners, BOA

FROM: Alex Beal, Deputy

DATE: August 15, 2007

RE: BFP v. BOA

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Ravalli County Commissioners

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Some questions have arisen today regarding the lawsuit filed by Bitterrooters for Planning, et al. v. Board of Adjustment. While the Ravalli County Attorney's Office does not represent the Board of Adjustment, and nothing in this memorandum should be construed as creating an attorney client representation, some clarification of what will take place seems appropriate at this time. The relevant statute referencing these procedures is MCA § 76-2-227. Should the court chose to act on the petition, it will direct the BOA to provide original or certified copies of the papers acted on, and provide no less than 10 days to file a response. If the court choses to act upon the petition, it does not necessarily stay the decision of the BOA, but the court may act upon a request for a restraining order, after giving notice to the BOA. It appears that the court may also have the power to direct the variance applicant's attorney, rather than the BOA to file a response.

Additionally, I have submitted a copy of the petition to MACo, and requested defense. If the Planning office has any further questions, they should feel free to contact me.